

**NEW JERSEY SCHOOLS DEVELOPMENT AUTHORITY
BOARD MEETING
WEDNESDAY, APRIL 12, 2023 AT 12:30 P.M.
32 E. FRONT STREET, TRENTON, NJ
JOSEPH A. MCNAMARA BOARD ROOM**

- 1. NOTICE OF PUBLIC MEETING/PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. REPORT AND RECOMMENDATIONS OF THE SCHOOL REVIEW COMMITTEE (CHAIRMAN'S REPORT)**
 - a. Award of Construction Contract and Approval of Final Project Charter - Orange Public School District - Cleveland Street Elementary School
- 4. NO EXECUTIVE SESSION**
- 5. ADJOURNMENT**

AUTHORITY MATTERS

**REPORT AND RECOMMENDATIONS OF THE SCHOOL REVIEW COMMITTEE
(CHAIRMAN'S REPORT)**

**Award of Construction Contract and Approval of Final Project Charter -
Orange Public School District - Cleveland Street Elementary School**



MEMORANDUM

TO: Members of the Authority

FROM: Sean Murphy
Managing Director, Procurement

Joseph Lucarelli
Program Director, Construction Operations

DATE: April 12, 2023

RE: District: Orange
School: Cleveland Street Elementary School
Description: Design-Bid-Build
Package No.: ES-0043-C02
CCE: \$22,946,199
Advertised CCE Range: \$19,000,000 to \$25,000,000
Award: \$19,434,958
CM: Epic Management, Inc.

INTRODUCTION

We are writing to recommend approval by the Members of the Authority of the award of a contract in the amount of \$19,434,958 to Terminal Construction Corporation¹ for construction services for the Cleveland Street Elementary School project (Project) in the Orange School District.

We are also recommending approval by the Members of the attached Revised Final Project Charter representing the project budget inclusive of dollar values for the award of construction, as well as a construction contingency and all other project costs.

Pursuant to the NJSDA Operating Authority adopted by the Board on December 1, 2010, as amended March 7, 2012, Board approval is required for the award of construction contracts greater than \$500,000 and for the approval of the Revised Final Project Charter.

BACKGROUND

The Orange Cleveland Street Elementary School (School), built in 1898, is a 38,775 square foot facility educating 306 students in grades Kindergarten through Grade 7. The Project scope includes an approximately 11,550 square foot addition and renovations to the existing facility to address overcrowding at the existing facility. The addition and renovations will increase the facility's capacity to 316 students and allow a change in grade alignment to Pre-K through Grade 6 consistent with the District's approved Long Range Facilities Plan (LRFP) at the School.

¹ Terminal Construction Corporation listed the following subcontractors for the required trades in its Price Proposal: JHDS, LLC (Structural Steel & Ornamental Iron); Brian Trematore Plumbing & Heating, Inc. (Plumbing and HVACR); and Michael Gingerelli, Inc. t/a Positive Electric Co. (Electrical).

On March 6, 2019, the Members of the Authority approved a contract award to Brockwell & Carrington Contractors, Inc. (B&C) for Construction Services and the Final Project Charter for the Project. On May 2, 2019, the NJSDA issued a Notice to Proceed (NTP) for the performance by B&C of a Constructability Review. As part of the Constructability Review scope of work per the Contract, B&C was to verify the following: Constructability of the Work, Coordination of the Work, Elimination of Conflicts in the Work, and Completeness of the Work as detailed in the Contract Documents. After performance of the Constructability Review and on January 13, 2020, B&C was issued a NTP for Construction Services.

Approximately two years after the construction NTP was issued to B&C, the NJSDA determined that termination of the Construction Services contract was in the best interest of the NJSDA and the State of New Jersey. Accordingly, the NJSDA issued a Notice of Termination for Convenience to B&C on January 20, 2022 in accordance with Section 11.3.2 of the contract while, at the same time, directing B&C to complete portions of the work and demobilize from the Project site by March 1, 2022. All Project documents were reviewed and revised to include work to correct all found conditions and design changes required for procurement of a new contract for Construction Services in order to complete the Project.

PROCUREMENT PROCESS

This package was advertised as a low bid solicitation beginning on January 30, 2023 on the NJSDA website, NJ State website, and in selected newspapers for interested firms to participate in the bidding process.

Project Rating Proposals were received from bidders on or before February 13, 2023. The Project Rating Proposal was used by the NJSDA to determine each bidder’s Project Rating Limit (i.e., the maximum amount that a bidder may bid for the project). Bidders were evaluated based on a review of the largest of their four projects completed in the past ten years, reference checks, their safety rating, and prevailing wage record. Based on an evaluation of the information submitted, thirteen (13) bidders received a Project Rating Limit.

The Project Rating Limits resulting from the Project Rating Evaluations are listed in Table 1 below:

TABLE 1

Contractor	Project Rating Limit
Benard Associates, Inc.	\$ 49,128,000
Bennett Company, Inc.	\$ 56,227,893
Delric Construction Company, Inc.	\$ 121,211,709
Dobco, Inc.	\$ 144,500,000
Ernest Bock & Sons, Inc.	\$ 143,439,924
Hall Building Corporation	\$ 55,814,369
Hall Construction Company, Inc.	\$ 138,875,267
Joseph A. Natoli Construction Corporation	\$ 71,660,082
Morganti Group, Inc.	\$ 106,148,765
Niram, Inc.	\$ 49,811,821
SMBA Construction, LLC	\$ 7,104,000
Terminal Construction Corporation	\$ 239,967,924
Worth Construction Company, Inc.	\$ 41,000,000

A non-mandatory pre-bid teleconference and mandatory site visit were held on February 24, 2023.

In advance of submission of Price Proposals, bidders were permitted to submit questions seeking clarification of the procurement documents, until March 10, 2023. Addenda responses to Bidder Questions were issued to the bidders on March 6, March 17 and March 23, 2023.

Price Proposals were received on April 5, 2023. The Price Proposals were publicly opened and the lump sum base bids were read aloud as required by law.

Following the public bid opening, the NJSDA performed a review of the Price Proposals to determine the responsiveness of each bidder to the solicitation. The review determined that five (5) bidders were responsive. The results of the review are listed in Table 2 below:

TABLE 2

Contractor	Bid Amount	Comments
Terminal Construction Corporation	\$19,434,958.00	Qualified and responsive bidder.
Ernest Bock & Sons, Inc.	\$23,245,000.00	Qualified and responsive bidder.
Niram, Inc.	\$23,987,000.00	Qualified and responsive bidder.
Worth Construction Company, Inc.	\$24,170,565.00	Qualified and responsive bidder.
Morganti Group, Inc.	\$26,133,398.00	Qualified and responsive bidder.

As stipulated in the Contract Documents, each Bid Amount is inclusive of NJSDA-established Allowances totaling \$1,060,000, as follows: \$300,000 for General Construction; \$100,000 for Impacted and Unsuitable Material; \$50,000 for Hazardous Materials and Related Activities; \$150,000 for Emergency Responder Radio System; \$20,000 for Additional Structural Investigation; \$150,000 for Additional Structural Repair; \$20,000 for Replacement of Damaged Roof Sheathing; \$20,000 for Brick Repointing and Replacement; \$100,000 for Existing Material Supplement; and \$150,000 for Uncompleted Roofing.

The responsive low bidder was Terminal Construction Corporation (Terminal).

The bid submitted by Terminal was less than the CCE. In order to understand the difference between the CCE and the bid price and to ensure the contractor's Price Proposal was inclusive of all scope elements, a conference was conducted on April 10, 2023 with Terminal and staff from NJSDA's Procurement, Construction Operations, Program Operations and Financial Operations unit to review the bid. The discussion verified that Terminal had included all Project scope work in its bid, with recognition of the schedule requirements, and identified that the majority of the overall variance between the NJSDA's CCE and the Terminal's Price Proposal is attributable to the allocation of monies to differing line items, actual bids received by Terminal and their own take offs, and variances in the application of overtime and premium time. In addition, the review of actual bid values revealed that the application of escalation to material cost by NJSDA's CCE was more conservative than the escalation used by Terminal in developing its bid. At the time of review, Terminal confirmed that its price proposal is inclusive of all scope elements contained in the Contract Documents.

The Construction Operations Director and the Financial Operations Director recommend award of the project to Terminal.

REVISED FINAL PROJECT CHARTER

The attached Revised Final Project Charter represents the project budget inclusive of actual dollar values for the award of the General Construction contract, all costs incurred during the previous general construction contract, an extension of services for LAN Associates (the firm performing design and construction administrative services), Epic Management (the construction management firm) and projected costs for future scope elements, such as FF&E and technology, and appropriate contingencies. The Final Project Charter of \$51.7 million represents an increase of approximately \$12.8 million from the most recent Board-approved Revised Final Project Charter. The increase is due to costs associated with Project delays and the need to engage a new general contractor to complete the Project.

RECOMMENDATION

The Members of the Authority are requested to approve the award of a contract to Terminal Construction Corporation for Contract No. ES-0043-C02 in the amount of \$19,434,958, inclusive of NJSDA-established Allowances totaling \$1,060,000. Prior to execution of the contract, the contract and related documentation will be reviewed and approved by the NJSDA Division of Chief Counsel.

The Members of the Authority are also requested to approve the attached Revised Final Project Charter representing all expended and projected funds necessary for completion of the Project.

/s/ Sean Murphy

Sean Murphy, Managing Director, Procurement

/s/ Joseph Lucarelli

Joseph Lucarelli, Program Director, Program Operations

Reviewed and Recommended by: Donald Guarriello, Vice President and Chief Financial Officer

Reviewed and Recommended by: Jane Kelly, Vice President, Corporate Governance and Legal Affairs

Reviewed and Recommended by: Gregory Voronov, Managing Director, Planning and Program Operations

Reviewed and Recommended by: Robert Carney, Director, Financial Operations

Reviewed and Recommended by: Denise Petraglia, Deputy Director, Program Operations

New Jersey Schools Development Authority Project Charter - Summary

Charter Date

04/12/23

Supersedes Charter Dated

05/07/21

Region: Northern
District: Orange
Project Name: Cleveland Street Elementary School
School Type: Elementary School
DOE # / Project #: 3880-070-01-0969
Project Type (New/Add/Reno): Add/Reno
Project Location: 355 Cleveland Street Orange, NJ
Number of Students: 316 (FES) 348 (Max)

Land Acquisition Required? Yes No
Temporary Space Required? Yes No

Funding Source

2012 Capital Plan

Project Budget: \$ 51,682,267

Funding Allocated

\$50,558,197

Anticipated Substantial Completion Date: Aug-24

Anticipated School Occupancy Date: Sep-24

Project Team Leader: Joseph Lucarelli

District Local Share

Project Initiation Date: 08/05/15

\$60,000

SDA Board - Project Charter Approval Date: 04/12/23

Charter Version and Date	Project Summary
<input type="checkbox"/> Planning 08/03/16	Addition and Renovations to the existing Cleveland Street ES to address facility conditions deficiencies and overcrowding at the elementary school grade levels to educate 316 students in grades Pre-K to 6. Project is comprised of 11,550 GSF addition and 38,775 GSF of renovations necessary to accommodate the elementary school educational program.
<input type="checkbox"/> Preliminary 11/07/18	
<input checked="" type="checkbox"/> Final 03/06/19	
Purpose for Advancement of Current/Revised Project Charter	
Charter revision to incorporate the cost and schedule impact of engagement of new general contractor to complete the project.	
District Project Goals	
The project, when advanced in conjunction with the Orange HS project, will serve to address current overcrowding at the elementary school grade level and facility conditions deficiencies.	

Recommendation

/s/ Joseph Lucarelli April 12, 2023
 Program Director - Program Operations Date
 Joseph Lucarelli

/s/ Gregory Voronov April 12, 2023
 Managing Director - Planning & Prog. Ops. Date
 Gregory Voronov

Vice President - Construction Operations Date
 Vacant

VP - Strategic Planning & Program Operations Date
 Vacant

Approval

/s/ Manuel Da Silva April 12, 2023
 Chief Executive Officer Date
 Manuel Da Silva

**New Jersey Schools Development Authority
Project Charter - Milestones & Delivery Method**

Charter Date
04/12/23

District / Project Name:	Orange / Cleveland Street Elementary School
DOE # / Project #:	3880-070-01-0969

Project Milestones	Date
School Occupancy Date	Sep-24

DELIVERY METHOD	Design/Bid/Build
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<u>Real Estate Services</u>	<u>Start</u>	<u>Est.</u>	<u>Act.</u>	<u>Finish</u>	<u>Est.</u>	<u>Act.</u>
Feasibility	10/30/14	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12/18/14	<input type="checkbox"/>	<input checked="" type="checkbox"/>
EO215 Requirements		<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>
Site Acquisition	Complete	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Complete	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Relocation	Complete	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Complete	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Demolition	03/15/17	<input type="checkbox"/>	<input checked="" type="checkbox"/>	01/31/18	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Remediation	03/15/17	<input type="checkbox"/>	<input checked="" type="checkbox"/>	01/31/18	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Deed Restriction Required?	N/A	<input type="checkbox"/>	<input type="checkbox"/>	Date		
District Notified?	N/A	<input type="checkbox"/>	<input type="checkbox"/>			
Classification Exception Area?	N/A	<input type="checkbox"/>	<input type="checkbox"/>			
District Notified?	N/A	<input type="checkbox"/>	<input type="checkbox"/>			

Special Considerations

<u>Design:</u>	<u>Date</u>	<u>Est.</u>	<u>Act.</u>	<u>Finish</u>	<u>Est.</u>	<u>Act.</u>
Design Start (NTP)	09/03/15	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Design Restart (if applicable)	N/A	<input type="checkbox"/>	<input type="checkbox"/>			
	<u>Start</u>	<u>Est.</u>	<u>Act.</u>	<u>Finish</u>	<u>Est.</u>	<u>Act.</u>
Program Concept Phase	09/03/15	<input type="checkbox"/>	<input checked="" type="checkbox"/>	08/03/16	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schematic Design Phase	08/30/16	<input type="checkbox"/>	<input checked="" type="checkbox"/>	02/14/17	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Design Development Phase	02/02/17	<input type="checkbox"/>	<input checked="" type="checkbox"/>	09/12/17	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction Documents Phase	09/12/17	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12/13/18	<input type="checkbox"/>	<input checked="" type="checkbox"/>
DCA Review	03/09/18	<input type="checkbox"/>	<input checked="" type="checkbox"/>	12/13/18	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Bid and Award	08/07/18	<input type="checkbox"/>	<input checked="" type="checkbox"/>	05/02/19	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Special Considerations

Bid and Award information is reflective of the first procurement for general construction services.

<u>Construction:</u>	<u>Date</u>	<u>Est.</u>	<u>Act.</u>
Construction Start (NTP)	May-23	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Substantial Completion (TCO)	Aug-24	<input checked="" type="checkbox"/>	<input type="checkbox"/>
School Occupancy Date	Sep-24	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Title Transfer	Sep-24	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Final Completion (C of O)	Nov-24	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Post Occupancy Walk Through	Jul-25	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Project Close-Out	Aug-25	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Special Considerations

Construction Start (NTP) represents the issuance of the NTP for construction of the 2nd engagement for general construction services to complete the project.

**New Jersey Schools Development Authority
Project Charter - Project Budget**

Charter Date

04/12/23

District / Project Name: Orange / Cleveland Street Elementary School
DOE # / Project #: 3880-070-01-0969

2012 Capital Plan Funding Allocation | \$ **50,558,197**

Special Considerations:

The project budget is based upon the award amount for the General Construction engagement, current commitments for all existing contracts and estimated costs for future scope elements. The project budget is inclusive of all prior expenditures including Construction Services performed by Brockwell and Carrington, Design Services performed by LAN, costs for completed site acquisition and demolition, and the award value for the selective demolition and abatement contract to prepare the building for the advancement of the addition and renovation project. The GC contract includes the following allowances: General Construction Allowance \$300,000; Impacted and Unsuitable Material Allowance \$100,000; Hazardous Materials and Related Activities Allowance \$50,000; Emergency Responder Radio System (ERRS) Allowance \$150,000; Additional Structural Investigation Allowance \$20,000; Additional Structural Repair Allowance \$150,000; Replacement of Damaged Roof Sheathing Allowance \$20,000; Brick Repointing and Replacement Allowance \$20,000; Existing Material Supplement Allowance \$100,000; Uncompleted Roofing Allowance \$ 150,000

Project Budget:

Gross Building Area (GSF):		Grossing Factor:
		1.50
	New	
	Addition	11,550
	Renovation	38,775
Total Gross Building Area (GSF):		50,325
Estimated Building Cost / GSF	\$566.88	

Construction Costs:

Building Costs (New Bid)	\$18,134,458
Site Costs (New Bid)	\$240,500
Allowances (New Bid)	\$1,060,000
Brockwell & Carrington Costs	
<i>Building Costs</i>	\$10,393,816
<i>Site Costs</i>	\$1,015,000
Demolition & Abatement (ESP #2)	\$983,370
Construction Contingency	\$1,940,000
Total Construction Costs	\$33,767,144

Pre-Development Costs:

Consultant Services	\$279,351
Early Site Package	\$290,230
Land Acquisition	\$486,511
Relocation	\$303,679
Property Maintenance/Carry Costs	\$175,912
Total Pre-Development Costs	\$1,535,683

Other Costs:

Design	
Prior Design Services	\$889,344
Current Design	\$3,100,000
Project Management (SDA Staff)	\$2,410,000
PMF/CM	\$3,200,000
FF&E	\$1,000,000
Technology	\$1,100,000
Temporary Space	\$4,210,000
Other Costs	\$503,000
Total Other Costs	\$16,412,344

Other Funding Sources

Rebates & Refunds	\$0
District Local Share Funds	(\$32,903)
Total Other Funding Sources	(\$32,903)

Total Project Budget	\$51,682,267
Funding from Prior Allocation	\$1,124,071
Funding from 2012 Capital Plan	\$50,558,197

**New Jersey Schools Development Authority
Project Charter - Budget Variance**

Charter Date
04/12/23

District / Project Name:	<u>Orange / Cleveland Street Elementary School</u>
DOE # / Project #:	<u>3880-070-01-0969</u>

Project Budget:

	Revised Final Project Charter 5/7/21	Current Budget	VARIANCE Fav/(Unfav)
Grossing Factor:	1.50	1.50	
Gross Building Area (GSF):			
New			
Addition	11,550	11,550	0
Renovation	38,775	38,775	0
Total Gross Area (GSF):	50,325	50,325	0
Construction Costs			
Building Costs (New Bid)	\$0	\$18,134,458	(\$18,134,458)
Site Costs (New Bid)	\$0	\$240,500	(\$240,500)
Allowances (New Bid)	\$0	\$1,060,000	(\$1,060,000)
<i>Brockwell & Carrington Costs</i>			
<i>Building Costs</i>	\$17,150,000	\$10,393,816	\$6,756,184
<i>Site Costs</i>	\$1,250,000	\$1,015,000	\$235,000
Selective Demolition & Abatement (ESP #2)	\$983,370	\$983,370	\$0
Construction Contingency	\$5,100,000	\$1,940,000	(\$3,160,000)
Total Construction Costs	\$24,483,370	\$33,767,144	(\$9,283,774)
Pre-Development Costs:			
Consultant Services	\$279,351	\$279,351	\$0
Early Site Packages (Demolition/Remediation)	\$290,230	\$290,230	\$0
Land Acquisition	\$486,511	\$486,511	\$0
Relocation	\$303,679	\$303,679	\$0
Property Maintenance/Carry Costs	\$174,848	\$175,912	(\$1,064)
Total Pre-Development Costs	\$1,534,619	\$1,535,683	(\$1,064)
Other Costs:			
Design			
Prior Design Services	\$889,344	\$889,344	\$0
Current Design	\$2,550,000	\$3,100,000	(\$550,000)
Project Management (SDA Staff)	\$2,000,000	\$2,410,000	(\$410,000)
PMF/CM	\$1,600,000	\$3,200,000	(\$1,600,000)
FF&E	\$910,000	\$1,000,000	(\$90,000)
Technology	\$900,000	\$1,100,000	(\$200,000)
Temporary Space	\$3,550,000	\$4,210,000	(\$660,000)
Other Costs	\$503,000	\$503,000	\$0
Total Other Costs	\$12,902,344	\$16,412,344	(\$3,510,000)
Other Funding Sources			
Rebates & Refunds	\$0	\$0	\$0
District Local Share Funds	(\$60,000)	(\$32,903)	(\$27,097)
Total Other Funding Sources	(\$60,000)	(\$32,903)	(\$27,097)
Total Project Budget	\$38,860,332	\$51,682,267	(\$12,821,935)
Funding from Prior Allocation	\$1,124,071	\$1,124,071	\$0
Funding from 2012 Capital Plan	\$37,736,262	\$50,558,197	(\$12,821,935)

Budget Variance Analysis:

The Revised Final Project Charter represents an increase of approximately \$12.8 million from the most recent Board-approved Revised Final Project Charter. The increase is due to costs associated with project delays and the need to engage a new general contractor to complete the project.

Schedule Variance Analysis:

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Resolution–3a.

Award of Construction Contract and Approval of Final Project Charter

District:	Orange
School:	Cleveland Street Elementary School
Description:	Design-Bid-Build
Package No.:	ES-0043-C02
CCE:	\$22,946,199
Advertised CCE Range:	\$19,000,000 to \$25,000,000
Award:	\$19,434,958
CM:	Epic Management, Inc.

Resolution

WHEREAS, the Operating Authority of the New Jersey Schools Development Authority (SDA or the Authority) requires that the Members of the Authority approve the award of construction contracts greater than \$500,000 as well as final project charters; and

WHEREAS, The Orange Cleveland Street Elementary School (School), built in 1898, is a 38,775 square foot facility educating 306 students in grades Kindergarten through Grade 7; and

WHEREAS, the scope for a project at the School includes an approximately 11,550 square foot addition and renovations to the existing facility to address overcrowding (the Project); and

WHEREAS, the Project will increase the School’s capacity to 316 students and allow a change in grade alignment to Pre-K through Grade 6 consistent with the District’s approved Long Range Facilities Plan (LRFP); and

WHEREAS, on March 6, 2019, the Members of the Authority approved a contract award to Brockwell & Carrington Contractors, Inc. (B&C) for construction services and the Project’s final charter and, on January 13, 2020, B&C was issued a notice-to-proceed (NTP) for construction services; and

WHEREAS, on January 20, 2022a notice of termination for convenience was issued to B&C in accordance with the contract; and

WHEREAS, along with the notice of termination, the Authority directed B&C to complete portions of the work and demobilize from the Project site by March 1, 2022; and

WHEREAS, thereafter, all Project documents were reviewed and revised to include work to correct all found conditions and design changes required for procurement of a new contract for construction services in order to complete the Project; and

WHEREAS, the new package for construction services was advertised as a low bid solicitation beginning on January 30, 2023; and

WHEREAS, upon completion of the procurement process, the construction operations director and financial operations director recommend that the Members of the Authority authorize and approve the award of a contract in the amount of \$19,434,958, inclusive of SDA-established Allowances totaling \$1,060,000, to Terminal Construction Corporation (Terminal), the responsive low bidder, for construction services for the Project; and

WHEREAS, on April 10, 2023 SDA staff and Terminal met to review the bid to ensure that all Project scope work was included in the bid and, at the time of review, Terminal confirmed that its price proposal is inclusive of all scope elements contained in the contract documents; and

WHEREAS, management recommends award of the project to Terminal; and

WHEREAS, the Project's background, a description of the recent construction services procurement process followed and the details of the Project's proposed revised final charter are set forth in detail in the memorandum presented to the Board on this date and incorporated herein; and

WHEREAS, prior to execution of the contract, the contract and related documentation will be reviewed and approved by the SDA Division of Chief Counsel.

WHEREAS, it is further requested and recommended that the Members of the Authority approve the revised final charter for the Project as described in the Board memorandum and presented for Board review and approval on this date.

NOW, THEREFORE, BE IT RESOLVED, that the Members of the Authority hereby authorize and approve the award of a construction services contract for the Orange Cleveland Street Elementary School project to Terminal Construction Corporation for Contract No. ES-0043-C02 in the amount of \$19,434,958, inclusive of SDA-established Allowances totaling \$1,060,000, consistent with the memorandum presented to the Board on this date and incorporated herein.

BE IT FURTHER RESOLVED, that prior to execution of the contract, the contract and related documentation will be reviewed and approved by the SDA Division of Chief Counsel.

BE IT FURTHER RESOLVED, that the Members of the Authority approve the Revised Final Project Charter as presented to the Board on this date.

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately, but no action authorized herein shall have force and effect until 10 days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the Authority meeting at which this resolution was adopted has been delivered to the Governor for his approval, unless during such 10 day period, the Governor shall approve same, in which case such action shall become effective upon such approval.

Attached: Memorandum, Award of Construction Contract and Approval of Final Project Charter, Cleveland Street Elementary School, Orange School District, dated April 12, 2023

Dated: April 12, 2023